THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.1920 of 2007

Between:

Khaja Hussain.
... Petitioner

and

The Commissioner of Police,
Hyderguda, Hyderabad and four others ...
Respondents

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ORDER:

This writ petition is filed seeking writ of Mandamus for declaring the action of the 3rd respondent in summoning the petitioner to P.S.Banjara Hills on 29-01-2007 for settling the dispute with respondents 4 and 5, at the instructions of the 2nd respondent, by selling his house bearing No.8-1-143/A/57/3, in Sy.Nos.86, 89 and 90 of Shaikpet village, Virat Nagar, Toli Chowk, Hyderabad, in favour of 4th and 5th respondents, as illegal and arbitrary.

It is the case of the petitioner that he is the absolute owner and possessor of premises bearing No.143/A/57/3 in Sy.Nos.86, 89 and 90 of Shaikpet village, Virat Nagar, Toli Chowki, Hyderabad, to an extent of 204 sq. yards, by virtue of a registered Sale Deed, dated 07-12-2006 vide document No.6174 of 2006.

While so, on 29-01-2007, the 3rd respondent summoned the petitioner to the police station and pressuring him to sell his house bearing No.8-1-143/A/57/3, in Sy.Nos.86, 89 and 90 of Shaikpet village, Virat Nagar Toli Chowk, Hyderabad, in favour of 4th and 5th respondents.

I am of the opinion that if any police official interferes with the civil rights of any private citizen and if the said allegations are found to be true, it constitutes serious offence against the said police officers. But, however, I am of the opinion that without taking recourse available under code of Criminal Procedure by filing written representation before the

higher officials and without taking recourse by filing a private complaint under Section 200 Cr.P.C. before the concerned Magistrate, it is not just and proper to entertain the writ petition under Article 227 of the Constitution of India.

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

05-02-2007

Prv